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APR 16 2004

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36-1202 (2)

430-1201 (5)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: Himmel et al.

Serial No.: 09/942,149

Filed: August 30, 2001

For: Third Party Billing Intervention
for Mobile Internet Access§
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Group Art Unit: 3621

Examiner: Cheung, Mary Da Zhi Wang

Attorney Docket No.: AUS920010454US1

charge

Certificate of Transmission Under 37 C.F.R. § 1.8(a)

I hereby certify this correspondence is being transmitted via facsimile to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, facsimile number (703) 872-9306, on April 16, 2004.

By: Rebecca Clayton

Rebecca Clayton

RESPONSE TO OFFICE ACTIONCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A fee of \$466.00 is required for 2 additional independent claims in excess of 20, as well as 3 dependent claims amended to independent form. No additional fees are believed to be necessary. If, however, any additional fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

In response to the Office Action dated January 16, 2004, please amend the above-identified application as follows:

Listing of Claims begins on page 2 of this paper.

Remarks begin on page 7 of this paper.

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client. Thus, Claim 6 (and similarly for Claims 12 and 18) is further shown to not be obvious in view of the cited references.

Therefore, the rejection of Claims 2, 6, 8, 12, 14 and 18 under 35 U.S.C. § 103 has been overcome.

V. Newly Added Claims 19-22

Applicants have added Claims 19-22 herewith. Examination of such newly added claims is respectfully requested.

VI. Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: 4/16/04

Respectfully submitted,



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